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October 18, 2007 70008.00002

VIA ECF

Hon. A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court, Eastern District of New York
100 Federal Plaza, P.O. Box 9014
Central Islip, NY 11722-9014

Re: *FragranceNet.com, Inc. v. FragranceX.com, Inc.*, CV-06-2225

Dear Judge Tomlinson:

Pursuant to the case management and scheduling order and in view of the status conference scheduled for October 23, 2007 at 10:30 a.m., the parties jointly submit this letter reporting on the status of discovery.

To date, the parties have exchanged interrogatories and requests for documents and things and responses thereto; however, the parties have not yet produced responsive documents. Plaintiff has filed a motion to compel responses to certain discovery requests that is currently pending before this Court. Defendant has noticed the deposition of plaintiff pursuant to Rule 30(b)(6) for September 20, 2007. Plaintiff has noticed a Rule 30(b)(6) deposition of defendant for November 5, 2007. Both have been adjourned. Plaintiff has filed a timely motion for a protective order regarding several of defendant's deposition topics, which is currently pending before this Court. At the request of defendant's counsel, who will be out of the country, depositions will take place after November 19, 2007.

In view of the current deposition schedule and plaintiff's pending motion to compel, plaintiff requests that plaintiff have until the later of 10 days after plaintiff deposes defendant's president or, if plaintiff succeeds on its motion to compel, 10 days after defendant supplements its discovery responses to join additional parties and amend pleadings. Defendant takes no position with respect to plaintiff's request.

Based on the status of discovery as set forth above, the parties respectfully request that the status conference scheduled for October 23, 2007 at 10:30 a.m. be

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cancelled.

Respectfully submitted,

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